

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 2:11-cr-00037-LJM-CMM
	)	
NICHOLAS CEJA (02),	)	
	)	
Defendant.	)	

**ORDER TO SHOW CAUSE**

The Court acknowledges receipt of Defendant Nicholas Ceja's ("Defendant's") Motion to Reduce Sentence pursuant to 18 U.S.C. § 3582(c)(2) under the terms of Amendment 782 to the United States Sentencing Commission guideline ("Amendment 782") ("Defendant's 782 Motion"). Pursuant to § 3582(c)(2), in making its determination on the merits of Defendant's 782 Motion the Court must also consider the factors set forth in 18 U.S.C. § 3553(a) to the extent they are applicable. Section 3553(a) states:

(a) Factors to be considered in imposing a sentence.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court in determining the particular sentence to be imposed shall consider—

(1) the nature and circumstance of the offence and the history and characteristics of the defendant;

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the kinds of sentence and the sentencing range established for—

(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

(ii) that, except as provide in section 3742(g), are in effect on the date the defendant is sentenced; or

(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code, taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28);

(5) any pertinent policy statement—

(A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

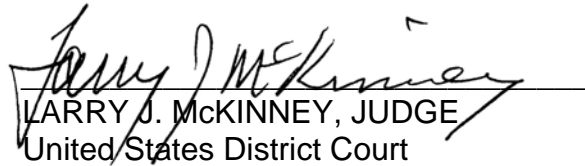
(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.

(6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(7) the need to provide restitution to any victims of the offense.

Defendant shall have 21 days from the date of this Order to supplement his 782 Motion with reasons why the section 3553(a) factors weigh in favor of reducing Defendant's sentence. The United States of America shall have 14 days thereafter to respond. This Order should not be construed as a ruling or comment on the merits or sufficiency of Defendant's 782 Motion.

IT IS SO ORDERED this 11<sup>th</sup> day of January, 2016.

  
LARRY J. McKINNEY, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

Nicholas Ceja  
Reg. No. 10060-028  
FCI Oakdale No. II  
P.O. Box 5010  
Oakdale, LA 71463

Michelle Patricia Brady  
UNITED STATES ATTORNEY'S OFFICE  
michelle.brady@usdoj.gov

Matthias David Onderak  
UNITED STATES ATTORNEY'S OFFICE - EV  
Matthias.Onderak@usdoj.gov